

Doc Code: PET.OP

Document Description: Petition for Review by the Office of Petitions

PTO/SB/64 (07-09)

Approved for use through 07/31/2012. OMB 0551-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)
0007 US SpaceLoc

First named inventor: David Small

Application No.: 10/565,875

Filed: 01-24-2006

Art Unit: 3662

Examiner: NGUYEN, NGA X

Title: System & Method for Determining Attitude Using Spatial Shift Key (SSK) Modulation Signatures

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional

1. Petition Fee

☒ Small entity-fee \$ 810 (37 CFR 1.17(m)). Application claims small entity status. See 37 CFR 1.27.

☐ Other than small entity-fee \$ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in
the form of _____ (identify type of reply):

☐ has been filed previously on 03/09/2011 CCHAU2 00000051 10565875

☐ is enclosed herewith. 01 FC:2453 810.00 OP

B. The issue fee and publication fee (if applicable) of \$ 1055

☐ has been paid previously on _____

☒ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Paula N. Chavez Signature
Paula N. Chavez
 Type or Printed name
Locata Corporation Pty Ltd
 Address
111 Canberra Ave., Griffith ACT 2603 AUSTRALIA
 Address

25 Feb 2011
 Date
34,798
 Registration Number, If applicable
61-(0)2-6126-5700
 Telephone Number

- Enclosures:
- ☒ Fee Payment
 - ☒ Reply
 - ☐ Terminal Disclaimer Form
 - ☒ Additional sheets containing statements establishing unintentional delay
 - ☒ Other: PART B - FEE(S) TRANSMITTAL

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

- ☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.
- ☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

Date

Signature

Typed or printed name of person signing certificate



Locata Docket Number: 0007 US SpaceLoc

UNITED STATES PATENT AND TRADEMARK OFFICE

INVENTOR(S):	David Small	GROUP ART UNIT:	3662
APPLN. NO.:	10/565,875	EXAMINER:	NGUYEN, NGA X
FILED:	01/24/2006	Confirmation No.:	7336
TITLE:	System & Method for Determining Attitude Using Spatial Shift Key (SSK) Modulation Signatures		

STATEMENT THAT THE
ABANDONMENT WAS UNINTENTIONAL

**Commissioner for Patents
Mail Stop Petitions
P.O. Box 1450
Alexandria, VA 22313-1450**

Sir:

This communication is responsive to the Notice of Abandonment mailed 11/03/2009 concerning the above-identified application after the Notice of Allowance and Fee(s) Due was mailed 07/20/2009.

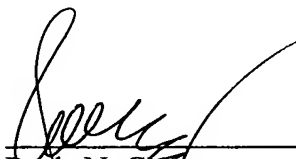
Applicant respectfully submits that the Abandonment of the subject application was unintentional. The circumstances of the abandonment include that a "Change of Correspondence Address" (attached) accompanied the Response to an Office Action that was dated March 27, 2009, such being faxed to the USPTO on March 30, 2009. Clearly the Response to the Office Action was received by the USPTO because a Notice of Allowance was issued. However, the Notice of Allowance was mailed to Applicant's previous address and therefore it was not received by Applicant. The Notice of Abandonment that followed was also not received by Applicant because it too was mailed to Applicant's previous address.

The above-described chain of events was not discovered until Applicant recently performed an audit of Applicant's patent portfolio. It has now come to the attention of Applicant that the submitted Change of Correspondence Address was not processed by the USPTO. Unfortunately, Applicant did not suspect that the submitted Change of Correspondence Address would not be processed by the USPTO. Therefore Applicant's reliance on properly receiving documents from the USPTO after submitting the Change of Correspondence Address was not well founded. Accordingly, the subject Abandonment was completely unintentional.

Applicant respectfully requests that the Commissioner also consider whether the above-described circumstances qualify Applicant for a revival of the abandoned application under 37 CFR 1.137(a), such abandonment being unavoidable.

Accompanying this Statement that the Abandonment was Unintentional is a copy of the Change of Correspondence Address that was faxed to the USPTO on March 30, 2009, the PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b), the PART B - FEE(S) TRANSMITTAL and a Credit Card Payment Form.

Respectfully submitted,

By:  25 Feb 2011
Paula N. Chavez Date
Attorney for Applicant
Registration No. 34 798
Tel. No. 61 (0)2 6126 5700
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Email: patents@locatacorp.com

Please send correspondence to:
Locata Corporation
Intellectual Property Dept.
111 Canberra Ave
Griffith ACT 2603
AUSTRALIA



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PTO/SB/122 (11-08)

Approved for use through 11/30/2011. OMB 0651-0035

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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CHANGE OF CORRESPONDENCE ADDRESS *Application*

Address to:
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	10/565,875
Filing Date	24 JANUARY 2006
First Named Inventor	DAVID SMALL
Art Unit	3662
Examiner Name	NGA X. NGUYEN
Attorney Docket Number	0007-SAMELOC-US

Please change the Correspondence Address for the above-identified patent application to:

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OR

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111 CANBERRA AVENUE GRIFFITH

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Email PATENTS@LOCATACORP.COM

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I am the:

☒ Applicant/Inventor

☐ Assignee of record of the entire interest.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

☐ Attorney or agent of record. Registration Number _____

☐ Registered practitioner named in the application transmittal letter in an application without an executed oath or declaration. See 37 CFR 1.33(a)(1). Registration Number _____

Signature

Typed or Printed
Name DAVID SMALL

Date MARCH 27, 2009

Telephone +61-2-61265700

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒ Total of 3 forms are submitted.

This collection of information is required by 37 CFR 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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